

Joe Biden inflation that we have many Americans worrying if they are going to even be able to afford to buy Christmas presents. This is no time for our Nation to give this present to Vladimir Putin.

The Republican Senator from Ohio has introduced an important amendment to provide lethal aid to Ukraine. Vladimir Putin has 100,000 troops right now staged on the border with Ukraine. We ought to stand by Ukraine and pass that amendment.

The Senator from Montana has an amendment to block Joe Biden from sending \$400,000 to the families of illegal immigrants. An open border is a threat to our national security, and these payments would cause a mad rush if not a stampede to the country and into the country, the way the border has been left open.

There are lots of important amendments, and we ought to be having a fair and open debate. This is supposed to be the greatest deliberative body in the world, and yet the majority leader has tried to cut off debate on some of the most important issues facing our Nation.

Why? Because we can hear the clock ticking, that is why. He has dragged his feet for months, and now, he wants to force us into a mad dash to close this.

Look, it is a disservice to our troops. It is a disservice to our allies. It is a disservice to the people of our Nation.

And yet, this morning, the majority leader is pointing his finger. He came to the floor. He attacked Republicans.

We didn't make him delay this bill for month after month after month. This is a choice that the majority leader has made.

It does seem that the other Democrats have basically higher priorities than our Nation's defense: election takeovers, new entitlements, amnesty for illegal immigrants.

It is no way to govern, no way to make important decisions, no way to run the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

NOMINATION OF BRIAN EDDIE NELSON

Mr. BROWN. Mr. President, I urge my colleagues to join me in confirming Brian Nelson to serve as Under Secretary for Terrorism and Financial Crimes at the Department of Treasury.

Mr. Nelson is highly qualified. He has had years of dedicated public service to our country.

Early in his career, he clerked for two distinguished Federal judges. He served in the National Security Division at the Department of Justice, first as special counsel to the Assistant Attorney General for National Security, later as the Division's Deputy Chief of Staff.

In these roles, Mr. Nelson supported the development, the implementation, the coordination, and the review of U.S. intelligence, counterintelligence, counterterrorism, and national security policies.

He went to work for the California Department of Justice, where he served

as special assistant attorney general and then as general counsel to then-attorney general, now-Vice President HARRIS.

He worked to combat threats like human and drug trafficking by prosecuting international criminals, starving them of their financial resources.

As Under Secretary, Mr. Nelson will be responsible for protecting our financial system from terrorists, from rogue states, money launderers, weapons proliferators, and other criminals who threaten our national security.

His nomination is another example of the Biden administration's serious—underline “serious”—efforts to protect both our economy and our national security.

He would take on this job at a critical time for protecting our country's national security, as we work to rebuild alliances abroad, while threats of domestic terrorism are on the rise at home.

Treasury's Office of Terrorism and Financial Intelligence is one of the cornerstones of our country's efforts. That is the importance of this nomination of Mr. Nelson, one of our country's efforts to combat terrorist financing here and around the world.

The FBI Director recently testified that racially motivated and anti-government extremists are likely to be the biggest domestic threat this year and in 2022.

Think about that. The FBI Director testified that racially motivated and anti-government extremists—and we remember that day so well just 10 months ago—11 months ago. They are the likely biggest domestic threats to our country this year and next year.

Mr. Nelson will be the first African American serving in this important national security position. When we have people in these roles who reflect the country they serve, we get better, more competent government.

That is what always flummoxes me about hiring practices in this body and around the country. When you hire people that don't necessarily look like you, you get a better office that understands different perspectives. It understands better the way this country works and helps us to better serve the people whom we serve.

Unfortunately, we have seen far too many of this administration's nominees held up for months in the nominations process. You just heard an example of that in the speech right before me; not because of their background, experience, and qualifications—those are unquestioned in Mr. Nelson—but for reasons completely unrelated to that nomination.

That is what has happened here. It is the kind of partisan posturing the American people hate. Blocking critical national security and other policy nominees for months over unrelated policy issues is counterproductive; it is misguided; and it is wrong for our country. Going after human trafficking, going after drug trafficking, going after international criminals of all kinds isn't a partisan issue; it is something my Republican colleagues

and I work together on all the time. So let's come together today and confirm Mr. Nelson, who is exceptionally well qualified.

He is joined today by his wife and his son.

I urge this body to support Mr. Nelson's nomination, getting in place right away an important part of our national security team.

ORDER OF BUSINESS

Mr. President, under the agreement reached by the two leaders on November 16, the Senate will now vote on confirmation of the Nelson nomination.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Nelson nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Brian Eddie Nelson, of California, to be Under Secretary for Terrorism and Financial Crimes.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Nelson nomination?

Mr. BROWN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. BARRASSO. The following Senator is necessarily absent: the Senator from South Dakota (Mr. THUNE).

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 474 Ex.]

YEAS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

NAYS—49

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NOT VOTING—1

Thune

The nomination was confirmed.

(Mr. LUJÁN assumed the Chair.)

The PRESIDING OFFICER (Mr. KING). The majority leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO DISCHARGE

Mr. SCHUMER. Mr. President, pursuant to S. Res. 27, the Senate Judiciary Committee being tied on the question of reporting, I move to discharge the Senate Judiciary Committee from further consideration of the nomination of Rachael S. Rollins, of Massachusetts, to be United States Attorney for the District of Massachusetts.

The PRESIDING OFFICER. Under the provisions of S. Res. 27, there will now be up to 4 hours of debate on the motion, equally divided between the two leaders or their designees, with no motions, points of order, or amendments in order.

Mr. SCHUMER. For the information of all Senators, we expect the vote on the motion to discharge to occur later this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

VACCINE MANDATE

Mr. LEE. Mr. President, this always happens near the kick-the-can funding deadlines that we are now approaching. There is controversy surrounding what will and what will not make it into the continuing resolution; that is, the legislation funding the government for a finite period of time upon the expiration of a spending period.

In the House of Representatives, the debate and controversy continued late into last night, and may well still continue later today.

Here in the Senate, there are a number of Senators, including me, who are not inclined to give consent to expedite a funding measure that supports and funds President Biden's unconstitutional and sweeping vaccine mandate without holding a vote on that mandate and whether we should fund that part of government charged with enforcing it.

Now, to be very clear about all of this, Senator SCHUMER, as the majority leader, could have done this without our help if he had started this process weeks ago or even days ago. He could have held votes and passed this resolution without needing to ask for the help of those of us who feel this way, who are not inclined to help him do it.

Senator SCHUMER is in a bind, due to his own delay and his own denial. He is asking all of us to help him.

Now, I have offered a very simple solution, a very reasonable solution. I am not asking that a poison pill or a pet project be included, no. I am not ask-

ing for dramatic reforms or draconian cuts. Far from it. I just want to vote on one amendment. I want the Members of this body to go on record on whether they support funding—in this bill—President Biden's vaccine mandate.

The American people have a right to know, through our votes, where we stand and where we stand in connection with this bill, on a germane amendment—one that pertains to that, a simple up or down, yes or no—simple majority vote. That is all I am asking.

Let me first explain a little bit about the recent history of this situation. While those involved in this effort have been accused by many in elected office and in the press of brinksmanship, we have been nothing but consistent and clear and open about our position for weeks now—in fact, for a month.

On November 3, a group of Senators—15 of us, in fact—declared our intentions, sending this letter to Senator SCHUMER. And in this letter, we made very clear that we will “not support—and will use all means at our disposal to oppose—legislation that funds or in any way allows the enforcement of President Biden's employer vaccine mandate.”

Now, 15 Senators have signed this letter. And there it is right there in black and white—the words that I just read in that letter from a month ago. The letter—again, written back at the beginning of November—specifically mentions this funding deadline—the one we are now approaching; the one that is hitting us tomorrow night—as one for Senator SCHUMER and our colleagues to be aware of that we made our intentions clear. We did so out of courtesy to the majority leader and to those we represent: to the American people, those who will be affected by these matters.

And now, as a matter of political convenience, he and others are saying “their unwillingness to come to the table,” which is the reason we are now approaching the deadline without an agreement, somehow amounts to an act of brinksmanship on our part.

That portrayal is disingenuous, and it is wrong. After running out the clock, knowingly, deliberately not coming to the table to negotiate, and ignoring our clear, public position, Senator SCHUMER is now accusing us of wanting to shut down the government because we refuse to help him cram through a bill that we have already explicitly stated we are against. We are providing every opportunity to avoid a shutdown, and all we ask for is a simple up-or-down vote.

Now, I stand by the commitment I made not to support or grant consent to pass or expedite a measure that funds, supports, or allows for the enforcement of the President's vaccine mandates.

Now, it is true that the U.S. Court of Appeals for the Fifth Circuit has issued an order halting enforcement of the OSHA mandate, and that OSHA has temporarily halted the enforcement of

that particular mandate. That does not in any way remove our obligation here in Congress to protect our Constitutional role and to prevent unconstitutional measures, laws, and regulations from afflicting the American people.

We still don't know the final outcome of that litigation. In any event, we have an independent responsibility—constitutionally and morally—to make sure that what we do here has our oversight and that we don't spend money on things that most Americans find abhorrent.

Each of us did, in fact, swear an oath to the Constitution, and the Constitution does not grant the Federal Government the authority to implement a mandate of this sort. It just doesn't. You can search it; you will not find that authority. The Constitution certainly does not grant the President of the United States the authority to implement such a mandate without the explicit authorization of the people's elected lawmakers in Congress.

Make no mistake, this mandate is not only immoral; it is also unconstitutional. For that reason alone, I must oppose it.

But the harms certainly don't stop with the damage that is being done to our constitutional order. Millions of Americans are at risk of losing their jobs due to this mandate. While court orders are offering at least a temporary protection, these Americans are still anxiously awaiting lasting protection from Congress, and currently could receive at a moment's notice the final ultimatum to be vaccinated or lose their jobs.

In fact, in fear of the huge fines that the Biden administration is threatening against businesses that don't comply once the mandate is enforced, many companies are already imposing these requirements on their workers.

Countless businesses and hundreds of Utahns who are at risk of closure or dismissal have reached out to me. Their stories are heart-wrenching. These are good people. They are our friends and our neighbors. They are neighborhood businesses and American manufacturers, mothers and fathers trying to get by in increasingly difficult economic times. There are millions of them across the country. Over half a million workers in Utah alone are at risk of unemployment due to this mandate.

As I have said each time I have spoken on this, I am not against the vaccine. In fact, I have gotten the vaccine. My family has gotten the vaccine. I have encouraged people to get the vaccine. I am against the mandate.

I recognize that these vaccines are protecting Americans from the harms of COVID-19, and that the government has no business, no authority, and no justification to make millions of Americans second-class, unemployable pariahs. Even if the Federal Government did have that authority, which it